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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/439,482	11/12/1999	PETER BERNARD		1692

28653 7590 09/16/2003

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708 BLOSSOM HILL RD., #201  
LOS GATOS, CA 95032

EXAMINER
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CHUNG, DANIEL J

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 09/16/2003

12

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/439,482

Applicant(s)

BERNARD ET AL.

Examiner

Daniel J Chung

Art Unit

2672

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2002 and 16 April 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

### DETAILED ACTION

Claims 1-32 are presented for examination. This office action is in response to the amendment filed on 9-12-2002.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-32 are rejected under 35 U.S.C. 102(e) as being anticipated by  
Seegers et al. (6,439,722)

Regarding claim 1, Seegers et al discloses that the claimed feature of a system for providing images to a user comprising: in response to a user request to provide one of more images, determine available user color display device characterization data (See Fig 1, col 4 line 42-43, col 5 line 6-10); and cause one of more images having color characteristics appropriate to the user color display device characterization data so determined to be sent to user (See Fig 1, col 4 line 44-52, col 5 line 10-34)

Regarding claim 2, Seegers et al discloses that displaying to the user a first icon on the display device. (See Fig 2, Abstract line 11-19, col 3 line 15-25, col 5 line 10-16)

Regarding claim 3, Seegers et al discloses that displaying to the user a second icon on the display device. (See Fig 2, Abstract line 11-19, col 3 line 15-25, col 5 line 10-16)

Regarding claim 4, Seegers et al discloses that color correction of the one or more images is on-the-fly. (See Fig 3, Fig 4)

Regarding claim 5, Seegers et al discloses that color correction of images is by selection of a group of one or more images from one or more groups of pre-transformed images. (See Fig 3, Fig 4)

Regarding claim 6, Seegers et al discloses that color correction of the one or more images in accordance with the display device characterization data of the user. (See Fig 3, Fig 4)

Regarding claim 7, Seegers et al discloses that color correction of the one or more images in accordance with a predetermined set of display device color characterization parameters. (See Fig 3, Fig 4)

Regarding claim 8, Seegers et al discloses that the user is a person or the user is a client computer connected to a computer network including an Internet, an intranet, or a local area network. (See Fig 1, Fig 2)

Regarding claim 9, Seegers et al discloses that the user is a client computer connected to a computer network; and the method further comprises receiving the user request at a server computer connected to the computer network. (See Fig 1, Fig 2)

Regarding claim 10, Seegers et al discloses that providing information from the client to the server to determine user color display device characterization data. (See Fig 1, Fig 2)

Regarding claim 11, Seegers et al discloses that the information provided from the client to the server is a cookie previously dropped by the server on the client. (See Fig 1, Fig 2, col 2 line 65-66, col 4 line 63-66)

Regarding claim 12, Seegers et al discloses that the cookie contains information to enable the server to identify the user. (See Fig 1, Fig 2, col 2 line 65-66, col 4 line 63-66)

Regarding claim 13, Seegers et al discloses that the cookie contains the user color display device characterization data. (See Fig 1, Fig 2, col 2 line 65-66, col 4 line 63-66)

Regarding claim 14, Seegers et al discloses that retrieving from a database [i.e. "web server"; 14] the user color display device characterization data in accordance with the user identification. (See Fig 1, Fig 2)

Regarding claims 15-32, claims 15-32 are similar in scope to the claims 1-14, and thus the rejections to claims 1-14 hereinabove are also applicable to claims 15-32.

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-32 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel J. Chung whose telephone number is (703) 306-3419. He can normally be reached Monday-Thursday and alternate Fridays from 7:30am- 5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael, Razavi, can be reached at (703) 305-4713.

**Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**or faxed to:**

**(703) 872-9314 (for Technology Center 2600 only)**

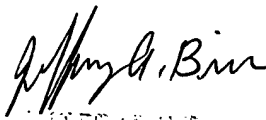
Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal Drive, Arlington, VA, Sixth Floor (Receptionist).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

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Art Unit: 2672

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djc  
August 28, 2003

  
JEFFERY BRIEN  
PRIMARY EXAMINER